

JEFF SILVESTRI, ESQ.
Nevada Bar No. 5779
McDONALD CARANO WILSON LLP
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
E-mail: jsilvetri@mcdonaldcarano.com

Kenneth E. Payson, Esq.
Washington Bar No. 26369
Pro Hac Vice to be submitted
James Harlan Corning, Esq.
Washington Bar No. 45177
Pro Hac Vice to be submitted

DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JEREMY BAUMAN, individually and on behalf
of all persons similarly situated,

Plaintiff,

v.

V THEATER GROUP, LLC; SAXE
MANAGEMENT, LLC; DAVID SAXE; DOES
I through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:14-cv-01125-RFB-(PAL)

**STIPULATION; ORDER TO
CONTINUE DISCOVERY AND
CLASS CERTIFICATION
DEADLINES** (Consolidated with Case
No. 2:14-cv-01160-RCJ-(PAL))

(SECOND REQUEST)

STIPULATION

Pursuant to Local Rules 6-1, 6-2 and 7-1, all parties through their counsel of record enter into this Stipulation to extend the current scheduling order deadlines for discovery and for Plaintiffs to file a motion for class certification. This is the second request for an extension. In support of this request, the parties represent the following to the Court:

1. On April 10, 2015, the parties filed their Stipulation; Order to Continue Discovery and Class Certification Deadlines; and Protective Order (Dkt. 48), explaining that they had been

1 diligently and productively engaged in discovery, including third-party discovery, and requesting a
2 short continuance of certain discovery and class certification deadlines to allow them to complete
3 class-related discovery and participate in a mediation in hopes of possibly avoiding burdening the
4 parties and the Court with the need to brief and decide class certification if settlement efforts are
5 successful.

6 2. On April 13, 2015, the Court approved the parties' stipulation and proposed schedule
7 (Dkt. 49) and set the following dates:

8 a. Close of Class Discovery Phase is July 31, 2015;

9 b. Deadline to file Motion to Certify Class is August 31, 2015; and

10 c. The parties shall conduct depositions of witnesses David Saxe and Ric Schaaf by
11 May 14, 2015.

12 3. Among other reasons, in order to ensure the best chance of potentially resolving this
13 dispute through settlement, defendants recently retained the law firm of Davis Wright Tremaine LLP
14 as lead counsel in this matter. Davis Wright Tremaine has defended dozens of Telephone Consumer
15 Protection Act ("TCPA") class actions throughout the nation, has successfully settled many such
16 class actions, and has a good working relationship with some of Plaintiffs' counsel from representing
17 opposing parties in other TCPA class actions.

18 4. Additionally, Plaintiffs continue in their efforts to compel production of documents
19 requested from Twilio, Inc. through proceedings now pending before Magistrate Judge Jacqueline
20 Scott Corley of the United States District Court for the Northern District of California. Materials
21 sought by Plaintiffs may assist the Parties to reach a settlement or otherwise resolve the case.
22 Magistrate Judge Corley has ordered further briefing which will not be completed until May 6, 2015.

23 5. In order to allow time for Plaintiffs to compel production of documents from Twilio,
24 Inc., and in order to allow Davis Wright Tremaine sufficient time to prepare for the Saxe and Schaaf
25 depositions, provide additional information and documents responsive to Plaintiffs' discovery
26 requests, and to prepare for the mediation, the parties stipulate and jointly ask the Court for a short
27 continuance of the above deadlines as follows:

1 a. The current July 31, 2015, Close of Class Discovery should be continued to
2 August 31, 2015;

3 b. The current August 31, 2015, Deadline to file Motion to Certify Class should
4 be continued to September 30, 2015;

5 c. The current depositions of witnesses David Saxe and Ric Schaaf should be
6 conducted by June 5, 2015, or another date mutually agreeable to the parties.

7 6. In light of the above the parties anticipate rescheduling the mediation with Hon.
8 William C. Pate (Ret.) of JAMS in San Diego, California, from May 27, 2015, to June 25, 2015.

9 7. To allow the parties the time necessary to prepare for and have a productive
10 mediation, and to potentially avoid the need to further burden themselves or the Court with further
11 litigation if settlement efforts succeed, the parties respectfully request the Court to approve the
12 foregoing stipulation.

13 Stipulated and respectfully submitted this 5th day of May 2015 by:

14
15 /s/ Albert H. Kirby, Esq.
16 Albert H. Kirby, Esq.
17 Washington Bar No. 40187
18 *Admitted Pro Hac Vice*
19 SOUND JUSTICE LAW GROUP, PLLC
20 936 North 34th Street, Suite 300
21 Seattle, Washington 98103

/s/ Jeff Silvestri, Esq.
Jeff Silvestri, Esq.
Nevada Bar No. 5779
McDONALD CARANO WILSON LLP
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102

and

19 *and*
20 Philip S. Aurbach, Esq.
21 Nevada Bar No. 1501
22 Candice E. Renka, Esq.
23 Nevada Bar No. 11447
24 MARQUIS AURBACH COFFING
25 10001 Park Run Drive
26 Las Vegas, Nevada 89145
27 *Attorneys for Plaintiff Jeremy Bauman*

Kenneth E. Payson, Esq.
Washington Bar No. 26369
Pro Hac Vice to be submitted
James Harlan Corning, Esq.
Washington Bar No. 45177
Pro Hac Vice to be submitted
DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

Attorneys for Defendants

1 /s/ Matthew R. Mendelsohn, Esq.

2 Matthew R. Mendelsohn, Esq.

3 New Jersey Bar No. 015582005

4 *Admitted Pro Hac Vice*

5 MAZIE SLATER KATZ & FREEMAN, LLC

6 103 Eisenhower Parkway

7 Roseland, New Jersey 07068

8 *and*

9 Payam Shahian, Esq.

10 California Bar No. 228406

11 *Admitted Pro Hac Vice*

12 STRATEGIC LEGAL PRACTICES, APC

13 1875 Century Park East, Suite 700

14 Los Angeles, California 90067

15 *and*

16 Dennis L. Kennedy, Esq.

17 Nevada Bar No. 14625

18 Paul C. Williams, Esq.

19 Nevada Bar No. 12524

20 BAILEY KENNEDY

21 8984 Spanish Ridge Avenue

22 Las Vegas, Nevada 89148

23 *Attorneys for Plaintiff Bijan Razilou*

24 **ORDER**

25 For the reasons stated in the parties' Stipulation, the Court approves the parties' Stipulation
26 and Orders as follows:

27 1. The discovery deadlines for the Class Discovery Phase are:

a. Close of Class Discovery Phase is August 31, 2015; and

b. Deadline to file Motion to Certify Class is September 30, 2015.

2. The parties shall conduct depositions of witnesses David Saxe and Ric Schaaf by
June 5, 2015, or another date mutually agreeable to the parties.

IT IS SO ORDERED.

25 
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: May 5, 2015

1 Respectfully submitted by:

2 /s/ Jeff Silvestri, Esq.

3 Jeff Silvestri, Esq.

4 Nevada Bar No. 5779

5 McDONALD CARANO WILSON LLP

2300 W. Sahara Avenue, Suite 1200

Las Vegas, NV 89102

6 *and*

7 Kenneth E. Payson, Esq.

8 Washington Bar No. 26369

Pro Hac Vice to be submitted

9 James Harlan Corning, Esq.

Washington Bar No. 45177

10 *Pro Hac Vice to be submitted*

DAVIS WRIGHT TREMAINE LLP

11 1201 Third Avenue, Suite 2200

Seattle, WA 98101

12
13 *Attorneys for Defendants*